

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 5:22-cv-00581-JGB-BFM

Date: July 26, 2023

Title: Michael Robbins v. Christian Pfeiffer, Warden

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Present: The Honorable Brianna Fuller Mircheff, United States Magistrate Judge

Christianna Howard
Deputy Clerk

N/A

Court Reporter / Recorder

Attorneys Present for Petitioner:
N/A

Attorneys Present for Respondent:
N/A

Proceedings: (In Chambers) Order to Show Cause

On November 26, 2018, the previously assigned Magistrate Judge issued an Order granting Petitioner's request for a stay in this matter, subject to certain terms and conditions. (ECF No. 10.) Petitioner did not timely meet the deadlines set in that order and instead, on February 27, 2023, requested further stay of the Petition. (ECF No. 11.) On May 8, 2023, this Court granted Petitioner's request for a further stay. (ECF No. 13.) As relevant here, Petitioner was ordered to (1) file a state habeas petition in the California Supreme Court setting forth the Petition's unexhausted grounds five and six, by no later than June 22, 2023; (2) file a Notice of Filing State Habeas Petition in this Court by no later than July 7, 2023, along with a copy of the state habeas petition; and (3) file a status report in this Court by no later than August 7, 2023, and further status reports every sixty days following his first status report until the California Supreme Court issues its decision. (ECF No. 13 at 2.) Petitioner was advised that failure to comply with the above requirements “may result in the stay in this matter being lifted, the Court’s refusal to consider any request by Petitioner to adjudicate claims that may become exhausted at a future date, and/or a recommendation that this action be dismissed for lack of prosecution, failure to comply with a

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court order, or failure to exhaust state court remedies.” (ECF No. 13 at 3 (emphasis added).) The Court also warned Petitioner that “no additional time will be given, absent good cause.” (ECF No. 13 at 2.)

As of the date of this Order, Petitioner’s status report has not been filed and he has not otherwise corresponded with the Court. It also appears from the California Appellate Courts Case Information website that Petitioner has not filed a habeas petition in the California Supreme Court.

Accordingly, **no later than August 24, 2023**, Petitioner is ordered to show cause why the stay in this action previously imposed by the Court should not be lifted. Filing the required status report with this Court **no later than August 24, 2023**, and strict compliance with the additional requirements set forth in the Court’s May 8, 2023, Order, shall be deemed compliance with this Order to Show Cause. **Failure to file the required status report will result in the stay being lifted and may result in a recommendation to the District Judge that this action be dismissed for lack of prosecution, failure to comply with court orders, and/or failure to exhaust state court remedies.**

In an abundance of caution, the Court Clerk is directed to include a copy of ECF number 13 along with this Order.

IT IS SO ORDERED.

cc: Michael Robbins, pro se

Initials of Preparer: ch